IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.181 OF 2006

Pavna Sahakari Bank Ltd., ..Appellant.

Vs.

M/s.Talera Automobiles Pvt. Ltd. & 4 Ors. ..Respondents

Mr.P.S.Dani, Advocate for the Appellant.
Mr.Sanjay Kshirsagar,Advocate for Respondent No.1.

CORAM : SMT.RANJANA DESAI AND SMT.V.K.TAHILRAMANI,JJ.

DATED : 29TH AUGUST, 2006.

P.C.:-

1. In this Letters Patent Appeal the order dated 14th July, 2005 passed by the learned Single Judge is under challenge.

2. We have heard Mr.Dani learned counsel for the appellant. Mr.Dani made a serious grievance about the fact that Revision Application No.207 of 2004 filed by the 1st respondent was entertained by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune, ignoring the provisions of section 154(2)(A) of the Maharashtra Co-operative

Societies Act, 1960. He pointed out that even the learned Single Judge in the impugned order has observed that "the revisional authority had no jurisdiction to decide the revision in view of the fact that admittedly, the petitioners had not deposited the amount as required by section 154(2)(A) of the Co-operative Societies Act." Mr.Dani further submitted that it is apparent that the recovery certificate obtained by the bank against M/s.Dighi Agencies Pvt. Ltd., is sought to be frustrated by respondent 2 who is closely related to the partners of M/s. Dighi Agencies Pvt. Ltd.. Mr.Dani pointed out that the 2nd respondent is the daughter-in-law of K.Talera and wife of late Pramod Talera whose names appear in the recovery certificate as partners of M/s.Dighi Agencies Pvt. Ltd.. To defeat the certificate it is now contended that the property in question is rented out to the 1st respondent, whose authorised director is the 2nd respondent. Mr.Dani submitted that in the facts and circumstances of this case, the learned Single Judge could not have relegated the parties to Rule 107(19) of the Maharashtra Co-operative Societies Rules 1961.

3. We have also heard Mr.Kshirsagar learned counsel for respondent 1.

4. In the peculiar facts and circumstances of this case, considering the fact that admittedly the first respondent has filed a suit against the appellant, we are of the opinion that this Letters Patent Appeal should not be entertained. However, in our opinion, it is necessary to extend the time granted to the sale officer to decide the objections. Hence, we extend the time limit by a period of six months from today.

5. Letters Patent Appeal is disposed of in the aforesaid terms.

6. Needless to say that, all civil applications are disposed of.

[SMT.RANJANA DESAI,J.]

[SMT.V.K.TAHILRAMANI,J.]